

11-26-01

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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	91.US4.DIV
First Inventor	Stephane BEJANIN, et al.
Title	Human cDNAs and Proteins and Uses Thereof
Express Mail Label No.	EV016276462US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 394]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
- Oath or Declaration [Total Pages ]
  - ☐ Newly executed (original or copy)
  - ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☒ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☒ CD-ROM or CD-R (2 copies); or
    - ☒ paper
  - ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09 / 924,340

Prior application information: Examiner Group Art Unit: 1845

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	000027206 (Insert Customer No. or Attach bar code label here)	or <input checked="" type="checkbox"/> Correspondence address below
Name	John Lucas, Ph.D., J.D.	
Address	GENSET CORPORATION 10665 Sorrento Valley Road	
City	San Diego	State CA Zip Code 92121-1609
Country	U.S.A.	Telephone 858/597-2600 Fax 858/597-2601

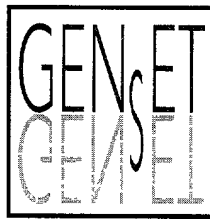
Name (Print/Type)	John Lucas, Ph.D., J.D.	Registration No. (Attorney/Agent)	43,373
Signature	[Signature]		Date 1/4 Nov 01

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09/992600

11/13/01



G E N S E T

Direct Dial: (858) 597-2610  
E-Mail: john.lucas@genxy.com

November 13, 2001

**Express Mail Label No. EV016276462US**

Assistant Commissioner for Patents  
Box: Patent Application  
Washington, D.C. 20231

RE: U.S. Divisional Patent Application  
For: HUMAN CDNAS AND PROTEINS AND USES THEREOF  
Inventor(s): Stephane Benjanin and Hiroaki Tanaka  
Our Ref.: 91.US4.DIV

Dear Sir:

Enclosed please find the above-identified divisional utility patent application for filing with the United States Patent and Trademark Office. This application claims priority on U.S. Serial No. 09/924,340, filed August 6, 2001 and International Patent Application No. PCT/IB01/01715 filed July 13, 2001; U.S. Provisional Application Serial No. 60/302,277, filed June 29, 2001; U.S. Provisional Application Serial No. 60/298,698, filed June 15, 2001; and U.S. Provisional Application Serial No. 60/293,574, filed May 25, 2001. Small Entity status is asserted for this application. The following documents are transmitted herewith:

	Quantity
1) Specification, Tables, Claims and Abstract	394 pages
2) Drawings (Figs. 1-4)	4 sheets
3) Application Data Sheet	4 pages
4) Utility Patent Application Transmittal, Fee Transmittal for FY 2002, Patent Application Fee Determination Record	3 sheets
5) Our check in the amount of \$510.00 for the filing fee - small entity	
6) Paper copy of Sequence Listing	106 pages
7) Copies of the Sequence Listing on CD-ROM	1 CD
8) Sequence Listing Verification Statement	1 page
9) Return Receipt Postcard	

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment in the processing of these documents to our Deposit Account No. 50-1181.

Very truly yours,

GENSET CORPORATION

John Lucas, Ph.D., J.D.  
Reg. No. 43,373

JL/DDP/cmm

Enclosures

cc: Helene Sarraseca (w/encls.)

**Certificate of Mailing under 37 CFR 1.10**

Express Mail Label No.: EV016276462US Date of Deposit: November 13, 2001  
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the Date of Deposit shown above, postage prepaid and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Signature Deno P. Dialynqs  
Typed or Printed Name of Person Signing Certificate

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 510.00

## Complete if Known

Application Number	
Filing Date	November 13, 2001
First Named Inventor	Stephane BENJANIN, et al.
Examiner Name	Unassigned
Group Art Unit	Unknown
Attorney Docket No.	91.US4.DIV

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1181  
Deposit Account Name Genset Corporation

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	370.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 370.00

### 2. EXTRA CLAIM FEES

Total Claims 16 - 20\*\* = 0 X 9 = 0.00  
Independent Claims 2 - 3\*\* = 0 X 42 = 0.00  
Multiple Dependent 140 = 140

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 140.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

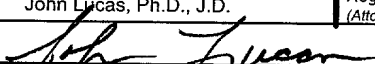
\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0.00

## SUBMITTED BY

Express Mail Label No. EV01627462US

## Complete (if applicable)

Name (Print/Type)	John Lucas, Ph.D., J.D.	Registration No. (Attorney/Agent)	43,373	Telephone	(858) 597-2600
Signature		Date	14 Nov 01		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: )  
)  
Inventor(s) : Stephane Bejanin, Hiroaki Tanaka )  
) Art Unit : Unassigned  
Serial No. : )  
) Examiner : Unassigned  
Filed : November 13, 2001 )  
)  
Title : HUMAN CDNAS AND PROTEINS )  
AND USES THEREOF )  
)

1c996 U.S. PTO  
09/992600  
11/13/01

**SEQUENCE SUBMISSION STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:


Two (2) copies of the Sequence Listing in computer readable form on CD-ROM and as a hard copy as required by 37 C.F.R. § 1.52(e), § 1.77(b)(4), § 1.821(e) and/or § 1.96(c) are submitted herewith.

As required by 37 C.F.R. § 1.821(f), the data on each of the enclosed disks are identical.

Respectfully submitted,

Dated: 13 Nov 2001

By:

  
Aaron J. Scalia  
Genset Corporation  
10665 Sorrento Valley Road  
San Diego, CA 921217  
(858) 597-2600